

# HOUSE BILL 191

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EMERGENCY BILL

0lr1146  
CF SB 226

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By: **Delegates Malone, Conway, Costa, Jennings, Mathias, Morhaim, Stull, and Weir**

Introduced and read first time: January 22, 2010

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Sale of Novelty Lighters – Prohibition**

3 FOR the purpose of prohibiting a person from selling at retail, offering for sale at  
4 retail, or distributing for retail sale in the State a novelty lighter; establishing a  
5 certain penalty for a violation of this Act; providing for the application of this  
6 Act; defining a certain term; making this Act an emergency measure; and  
7 generally relating to the sale of novelty lighters.

8 BY adding to

9 Article – Criminal Law

10 Section 10–112.1

11 Annotated Code of Maryland

12 (2002 Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 **10–112.1.**

17 **(A) IN THIS SECTION, “NOVELTY LIGHTER”:**

18 **(1) MEANS A MECHANICAL OR ELECTRIC DEVICE THAT:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (I) IS TYPICALLY USED FOR LIGHTING CIGARETTES,  
2 CIGARS, OR PIPES;

3 (II) 1. IS DESIGNED TO RESEMBLE A CARTOON  
4 CHARACTER, TOY, GUN, WATCH, MUSICAL INSTRUMENT, VEHICLE, ANIMAL,  
5 FOOD OR BEVERAGE, OR ANOTHER SIMILAR ARTICLE; OR

6 2. HAS ENTERTAINMENT FEATURES, INCLUDING  
7 MUSIC OR LIGHTS; AND

8 (III) OPERATES ON ANY FUEL; AND

9 (2) DOES NOT INCLUDE:

10 (I) A DEVICE THAT IS INCAPABLE OF BEING FUELED OR  
11 PRODUCING COMBUSTION OR FLAME;

12 (II) A STANDARD DISPOSABLE OR REFILLABLE LIGHTER  
13 THAT IS PRINTED OR DECORATED WITH A LOGO, LABEL, DECAL, OR ARTWORK,  
14 OR A HEAT SHRINKABLE SLEEVE; OR

15 (III) A DEVICE PRIMARILY USED TO IGNITE FUEL FOR A  
16 FIREPLACE OR A CHARCOAL OR GAS GRILL.

17 (B) THIS SECTION DOES NOT APPLY TO:

18 (1) A LIGHTER MANUFACTURED BEFORE JANUARY 1, 1980;

19 (2) THE TRANSPORTATION OF A NOVELTY LIGHTER THROUGH  
20 THE STATE; OR

21 (3) THE STORAGE OF A NOVELTY LIGHTER IN A WAREHOUSE IN  
22 THE STATE THAT IS NOT OPEN FOR RETAIL SALES.

23 (C) A PERSON MAY NOT SELL AT RETAIL, OFFER FOR SALE AT RETAIL,  
24 OR DISTRIBUTE FOR RETAIL SALE IN THE STATE A NOVELTY LIGHTER.

25 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
27 \$500.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect~~  
29 October 1, 2010 is an emergency measure, is necessary for the immediate preservation  
30 of the public health or safety, has been passed by a ye and nay vote supported by

1 three-fifths of all the members elected to each of the two Houses of the General  
2 Assembly, and shall take effect from the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.